



U.S. Department of Justice

United States Attorney
 Southern District of New York

The Silvio J. Mollo Building
 One Saint Andrew's Plaza
 New York, New York 10007

November 29, 2021

BY ECF

The Honorable George B. Daniels
 United States District Judge
 500 Peal Street
 Southern District of New York
 New York, New York 10007

Re: *United States v. Albert Shoulders, S3 20 Cr. 57 (GBD)*

Dear Judge Daniels:

The Government respectfully submits this letter in advance of Albert Shoulders's December 1, 2021 sentencing. Shoulders was leader of the 59 Brims' Queens lineup. Shoulders authorized the brutal slashing of Jerlaine Little, a/k/a "Noni," was involved in the gang's drug dealing, and possessed a firearm in furtherance of the gang's drug dealing. A sentence within the Stipulated Guidelines Range of 51 to 63 months' imprisonment is sufficient but not greater than necessary to reflect the seriousness of his offense, to deter others who might want to join violent street gangs in New York, and to serve the purposes of sentencing.

I. OFFENSE CONDUCT

A. Background

As set forth in the presentence report dated October 25, 2021 (the "PSR"), the 59 Brims (sometimes referred to as "Primetime") are a violent street gang with a national presence and a large number of gang members in the New York City area. (PSR at ¶¶ 40-46.) The 59 Brims were one of the original ten sets formed under the United Bloods Nation ("UBN") on Riker's Island in 1993 by Omar Portee, a/k/a "O.G. Mack." (*Id.*) While the 59 Brims were formed on Riker's Island, the gang has a large national presence, including in California, Georgia, Virginia and North Carolina. (*Id.*) The 59 Brims have many members in Brooklyn, the Bronx, and Manhattan. (*Id.*) The members of the 59 Brims engaged in an array of racketeering activity to further the gang's interests, including acts involving murder and attempted murder; acts involving robbery; narcotics distribution; and acts involving bank fraud and wire fraud.

The 59 Brims, like most other sets of the Bloods in the UBN, have two separate hierarchical rank structures: the "World Wide Lineup," for 59 Brims members in the prison system (often referred to as the "Prison Lineup") and the "World Wide Lineup in the Town," *i.e.*, members of the 59 Brims that are not incarcerated (often referred to as the "Street Lineup"). The Prison Lineup gives orders to the Street Lineup, and the Street Lineup carries out those orders. (*Id.*) Both the Prison Lineup and the Street Lineup follow the below rank structure (in highest rank order):

- “GF” or God Father
- High 020
- Low 020
- 5 Star General/Gangsta¹
- 4 Star General/Gangsta
- 3 Star General/Gangsta
- 2 Star General/Gangsta
- 1 Star General/Gangsta

B. The Defendant

As set forth in the PSR, Shoulders was the High 020 of the 59 Brims in the Queens lineup – below the gang’s Godfather, Willie Evans, a/k/a “Millz.” (PSR at ¶¶ 49) Evans and Shoulders stayed in near constant communication about gang business, including acts of violence directed towards rival gang members and members of their own gang whom Evans and Shoulders deemed disloyal. (*Id.*) For example, Shoulders sent the following private Instagram messages to Evans regarding Jerlaine Little, a/k/a “Noni” in the weeks leading up to the brutal slashing of Little:

Shoulders: yo twin that post that noni made dead ass got me mad

Shoulders: Ima make a kall tm [tomorrow] Star needs to be on her body

Shoulders: No breathing room

Shoulders: Watch what I do since n[****]s wanna drag the situation b

(*Id.*) Shoulders, Jamarr Simmons, a/k/a “Show Off,” Sylvester Wint, a/k/a “Vesta,” and Yonette Respass, a/k/a “Star Brim,” subsequently orchestrated the slashing of Little, and on August 8, 2019, Shamare Reid, a/k/a “Sha,” and two other individuals slashed Little on both sides of her face. (*Id.* at 50.) Shoulders, Jamarr Simmons, Wint, and Respass discussed the slashing after it happened in incriminating conversations over text messages, social media direct messages, and prison calls. (*Id.*)

In addition to the slashing of Little, Shoulders also had detailed conversations with Evans and Wint about committing shootings of rival gang members. (*Id.* at 51.) For example, Shoulders sent Evans the following text message on or about August 7, 2019:

¹ Some members of the 59 Brims refer to the “General” positions as “Floors,” *i.e.*, 5th Floor, Fourth Floor, etc.

Shoulders: It's all about getting your opportunity to shoot we don't move sloppy so I'm not worried bout that.

(*Id.*) Two days after this message, Shoulders sent Evans a picture of a firearm, assuring Evans that they were "on deck now." (*Id.* at 52.) Shoulders also sent messages to Evans about going to "PA" (or Pennsylvania) to pick up "hat girls" – a common reference used by members of the gang to refer to firearms. (*Id.*)

In late July 2019 and early August 2019, Shoulders and Wint exchanged text messages about going to "spin" Crips gang members—"spin" is a common reference used by Bloods gang members to refer to the act of looking for rival gang members to shoot. (*Id.*) Shoulders and Wint discuss specific places where they should go to "spin" Crips gang members, referred to as "hardbacks."

Wint: Nah I had went uptown to spin da hardbacks

Wint: They wasn't outside

Wint: I'm redoing it somewhere in jungly or gp

Wint: Or maybe in the spot I was thinking of 1st

Shoulders: Oh alright ... You gonna see them though trust me .. and Kopy just Lmk I'm there

Shoulders: Ima Look up spots to

Shoulders: And send em to u

Wint: DOA

Wint: Bro gon spin till we can't nomore

Shoulders: I already know the vibes

Shoulders was also involved in the gang's drug distribution business as evidenced through text messages and social media messages. (*Id.* at 53.) Shoulders also has detailed prison calls with members of the 59 Brims in which he discussed acts of violence and firearms possession. (*Id.*) For example, in a prison call on October 22, 2019, Shoulders had a detailed discussion with a 59 Brim member incarcerated at Rikers Island ("CC-1") about how CC-1 was arrested with a firearm that was the shared property of Shoulders and Sloan.

II. GUILTY PLEA AND APPLICABLE GUIDELINES RANGE

On August 4, 2021, the defendant pled guilty, pursuant to a plea agreement with the Government, to participating in the 59 Brims racketeering conspiracy in violation of Title 18, United States Code, Section 1962(d). (PSR ¶¶ 30.) In the plea agreement the parties stipulated that the offense level was 23 and the defendant was in criminal history category II, resulting in a Stipulated Guidelines range of 51-63 months' imprisonment (the "Stipulated Guidelines Range").

III. DISCUSSION

A. Applicable Law

The Sentencing Guidelines provide strong guidance to sentencing courts after *United States v. Booker*, 543 U.S. 220 (2005). Because the Guidelines are "the product of careful study based on extensive empirical evidence derived from the review of thousands of individual sentencing decisions," *Gall v. United States*, 552 U.S. 38, 46 (2007), district courts must treat the Guidelines as the "starting point and the initial benchmark" in sentencing proceedings. *Id.* at 49.

After making that calculation, the Court must consider the factors outlined in 18 U.S.C. § 3553(a), which provides that a sentencing "court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection," and then sets forth seven specific considerations:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed—
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established [in the Guidelines];
- (5) any pertinent policy statement [issued by the Sentencing Commission];
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

18 U.S.C. § 3553(a).

B. The Court Should Impose a Sentence Within the Stipulated Guidelines Range

The Government respectfully submits that a sentence in the range of 51 to 63 months' imprisonment is appropriate in light of all of the sentencing factors set forth above, and would be sufficient but not greater than necessary to accomplish the goals of sentencing in this case.

First, the nature and circumstances of the defendant's offense conduct weigh in favor of a Guidelines sentence. The defendant was a leader of the 59 Brims Queens lineup. In that role, Shoulders took serious and dangerous steps to advance the gang's interests. Among other things, and as set forth above, he orchestrated the gang's slashing of Jerlaine Little; he discussed committing shootings with Wint and Evans; he routinely possessed firearms in furtherance of the gang's interests and drug dealing; and discussed committing acts of violence against rival gangs. Copied below are several messages directly from the defendant concerning his high-level involvement with the 59 Brims.

+18623063087 Bundy

WorldWide Oath(New)
I Take This Oath To Die At The Hands Of None To Protect My Brim Brothers & Sisters Each & Everyone & conquer Our Enemies One By One & Anyone Who Opposes The Army Our Movement NYBBA Til The Day I Rest Brim Loyalty EmBedded In My Flesh Rest In Peace General RoBert Lee Pumpkin & All Our Fallen Family BrimLove

59 Gun Salute (W.W Brim Oath)
Hat To The Front Hat To The Side Doesn't Really Matter As Long As I Wear My Hat Witt Pride Will I Ride Fool? The Answer Is Yes 59 Brim Rule From The East To The West Rest In Peace General RoBert Lee Lil Kountry Fred Eli Rest In Peace To All My Soldiers That Died My Love For Brim Wil Never Die Brim Love Is What We Say Brim Love Is What We Mean Brim Love Is What We Share Witt No InBetween Forever By My BrimSide I'll Be Standing Forever By My BrimSide I'll Never Abandon! Brim Love

PrimeTime Registration
I Vow To This Oath Under The NYBBA PrimeTime Elite. 59 Be My Set & I Vow To Rep It Til The Death Of Me I Kant Stop Won't Stop Bangin Til It's No More Breath In Me. Under This Oath I Vow to Never Back Down In The Face Of Adversity I Vow To Fear No Man No Weapon Not Even Death I Will Stand By My PrimeTime Weather Rite Or Indifferent and If My Komrade Is Oppressed Then I Vow That Adversity Be Layed To Rest. I Vow To Never Show Disloyalty Of Any Kind To My Hats Hood Nor Army. Under the Oath i ReBorn & If I Shall Break My Vows I Vow To Expect Nothing Less Than My Own Blood Spilled PrimeTime Is LiveTime Sacrifice Ya Life. Brim Love!

+18623063087 Bundy

I'm buying one tonight

Status: Read

Read: 8/9/2019 2:33:21 PM(UTC-4)

8/9/2019 2:29:13 PM(UTC-4)

Source Extraction:

File System

Source Info:

DarArchive/root/private/var/mobile/Library/SMS/sms.db : 0x1BA578E (Table: message, handle, chat, Size: 57180160 bytes)

+18623063087 Bundy

Attachments:



Size: 3024212

File name: IMG_1942.JPG

[IMG_1942.JPG](#)

+18623063087 Bundy

Attachments:



Size: 2314942

File name: IMG_0690.JPG

[IMG_0690.JPG](#)

Status: Read

Read: 5/8/2019 6:41:39 PM(UTC-4)

5/8/2019 5:25:39 PM(UTC-4)

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The one on the bottom 350

Status: Read

Read: 5/8/2019 6:41:39 PM(UTC-4)

5/8/2019 5:25:39 PM(UTC-4)

As is clear from the above text messages, the defendant was actively involved in procuring firearms for himself and other members of the gang. The defendant and Willie Evans also frequently exchanged messages about the leadership and hierarchy of the gang, and discussed the importance of the gang's oath and rules for members (as reflected in the first message from the defendant above).

Second, a sentence within the Stipulated Guidelines range is needed to adequately punish the defendant and to demonstrate the seriousness of his conduct. As shown above, the defendant was a member of a criminal organization responsible for multiple acts of violence, including murders, and drug dealing throughout the community. The defendant was a leader of this gang—fully aware of the damage that it was causing to New Yorkers. And, such a sentence is also needed

to promote respect for the law and deter the defendant from future crimes—a goal that was not accomplished by his prior sentences.

Third, a sentence within the Stipulated Guidelines Range is necessary to account for the defendant's criminal history. This is not the defendant's first criminal conviction. Indeed, the defendant was sentenced to 5 years' probation after being convicted of criminally possessing a loaded weapon in 2014. (PSR at 89.) Far from deterring the defendant's criminal behavior, the defendant committed this offense while on probation—and Shoulders authorized the slashing of Little in 2019. Accordingly, a substantial sentence is necessary to deter this defendant from reengaging in criminal activity.

Fourth, a sentence within the Stipulated Guidelines range would account for Shoulders's relative culpability among his co-defendants. Shoulders's culpability is similar to Cooper, Rodriguez, and Bobian, in that they were all leaders of the 59 Brims. However, what makes Shoulders more culpable when compared to those individuals is (1) Shoulders' authorizing a particular act of violence; (2) Shoulders's routine discussion of firearms and shootings; (3) Shoulders's prior criminal weapons conviction; and (4) the defendant's commission of this offense while on court supervision. Accordingly, the Stipulated Guidelines Range appropriately accounts for the relative culpability of the defendants.

Fifth, the defendant has shown no signs of rehabilitation while in prison. While at the MDC, the defendant was involved with a number of assaults and sent to the special housing unit for 15 days.

Finally, looking beyond the defendant, in a case like this—where the defendant was involved in a sprawling, violent gang, the need for general deterrence is important. Sentences in this case will send a message to anyone who might consider joining a gang like the 59 Brims that their conduct will be punished, and that they will be held accountable.

II. CONCLUSION

For the reasons set forth above, the Court should impose a sentence within the Stipulated Guidelines Range of 51 to 63 months' imprisonment.

Respectfully submitted,

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